

Remarks

Reconsideration of the application is respectfully requested in view of the following remarks. This response cancels claims 22-24 and 34-36 without prejudice. Claims 47-49 are new. With entry of this amendment, claims 21, 25-33 and 37-49 are in the application.

Action's Suggest Amendment

Applicants thank the Examiner for suggesting an amendment at page 2 of the Action. After thoughtful consideration, Applicants have decided to amend the claims as shown above.

Rejections under 35 U.S.C. § 102(e)

The Action rejects claims 21-25, 27-38 and 40-41 under 35 U.S.C. § 102(e) over U.S. Pat. No. 5,603,084 to Henry et al. (Henry). Based on remarks on page 3 of the Action, applicants respectfully presume that claim 43 is also rejected under Henry. In any case, applicants respectfully traverse this rejection. The rejections of claims 22-24 and 34-36 are moot in light of the cancellation of these claims without prejudice.

Independent Claim 21 and Its Dependents

Amended claim 21 recites:

An unactivated mobile station programmed to perform a method comprising:
sending, to a wireless communications network . . . a message comprising
information distinguishing the message as for activation of the unactivated mobile
station . . . *wherein the information distinguishing the message as for activation of the
unactivated mobile station comprises an over-the-air activation function ID
number. . . .*

See, e.g., original claim 22.

Henry does not teach or suggest such an apparatus. For example, Henry is silent as to “information distinguishing the message as for activation of the unactivated mobile station [that] comprises an over-the-air activation function ID number.” The Action at page 4 argues that such a feature is described by the following passage in Henry:

If the activation process is initiated by the radiotelephone 30, the transceiver may also include an information function allowing the radiotelephone to transmit information requested by the cellular system. This information may include account information such as billing information, service information, the user's name, the

user's address, credit information, and other user information. This information may be supplied to the transceiver through either the keypad 40 or microphone 42.

See col. 7, lines 3-11. According to the Action, “the information function coupled with the account information [reads] on an activation function number.” Applicants respectfully disagree with this assertion. The present application describes the following exemplary embodiments of an over-the-air function (OTAF) ID number:

In the advantageous embodiment of the invention, an OTAF ID number is stored in each mobile station 100. The OTAF ID number is a ten digit E.164 telephony number, using BCD encoding. ... *The OTAF ID number is an address which appears as a directory number for the OTAF processor 110*, but is used only for routing and is a non-dialable number not supporting voice circuits.

See page 16, line 17 – page 17, line 4 (emphasis added).

As can be seen from the above examples, Henry’s mere mention of “information function” and “account information” do not anticipate the “over-the-air activation function ID number of claim 21. Accordingly, claim 21 is allowable over Henry.

Claims 25 and 27-29 depend from claim 21 and are allowable for reasons similar to those stated above with respect to their parent claim, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejections.

Independent Claim 30 and Its Dependents

Amended claim 30 recites:

An unactivated mobile station programmed to perform a method comprising:
sending, to a wireless communications network, an activation message having a format of an ordinary registration order, wherein the activation message comprises information distinguishing the activation message from an ordinary registration order, and *wherein the information distinguishing the message from an ordinary registration order comprises an over-the-air activation function ID number. . . .*

See, e.g., original claim 34.

Henry does not teach or suggest such a method. For example, as was similarly explained above with respect to claim 21, Henry is silent as to “information distinguishing the message from an ordinary registration order [that] comprises an over-the-air activation function ID number.” Accordingly, claim 30 is allowable over Henry.

Claims 31-33, 37, 38, 40 and 41 depend from claim 30 and are allowable for reasons similar to those stated above with respect to their parent claim, as well as for the unique

combinations of features recited therein. Applicants respectfully request withdrawal of the rejections.

Rejections under 35 U.S.C. § 103(a)

The Action rejects claims 26, 39 and 42-46 under 35 U.S.C. § 103(a) over Henry in view of U.S. Pat. No. 5,414,750 to Bhagat et al. (Bhagat). Applicants respectfully traverse this rejection.

Dependent Claims 26 and 39

Claim 26 depends from claim 21, and claim 39 depends from claim 30. As explained above, claims 21 and 30 are allowable over Henry. Bhagat does not remedy the deficiencies of Henry, and therefore claims 21 and 30 are allowable over a Henry-Bhagat combination. Claims 26 and 39 are therefore allowable over Henry and Bhagat for reasons similar to those of their respective parent claims, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejections.

Independent Claim 42

Amended claim 42 recites:

An unactivated mobile station programmed to perform a method comprising:
sending, to a wireless communications network, during a process ordinarily used to announce a current location of the mobile station and enable the wireless communications network to direct incoming calls to the mobile station, a message having a format of an ordinary registration order comprising . . . an electronic serial number of the unactivated mobile station . . . and *an over-the-air activation function ID number*, and wherein the message does not comprise a valid mobile identity number. . . .

See, e.g., the original specification at page 19, lines 17-18.

Henry and Bhagat do not, singularly or in combination, teach or suggest a mobile station. For example, as was similarly explained above with respect to claim 21, Henry is silent as to “a message having a format of an ordinary registration order comprising . . . an over-the-air activation function ID number.” Bhagat is likewise silent as to such a feature. Accordingly, claim 42 is allowable over Henry and Bhagat, and applicants respectfully request withdrawal of the rejection.

Independent Claim 43 and Its Dependents

Amended claim 43 recites:

A mobile switching center programmed to perform a method comprising:
receiving, from a mobile station, an activation message having a format of an ordinary registration order, wherein the activation message comprises information distinguishing the activation message from an ordinary registration order;
providing the activation message to a signal transfer point configured to translate at least a portion of the activation message into an address of an over-the-air activation function processor. . . .

See, e.g., the original specification at: page 23, line 8 – page 24, line 3; and Fig. 7.

Henry and Bhagat do not, singularly or in combination, teach or suggest such a mobile switching center. For example, Henry and Bhagat are silent as to “providing the activation message to a signal transfer point configured to translate at least a portion of the activation message into an address of an over-the-air activation function processor.” Instead, Henry states that a

call [from an unactivated radiotelephone] initiates an exchange over a digital control channel at block 62 wherein the initial identification number is transmitted at block 64 to the cellular system via the wireless communications path 32 and the base station 20A. . . . The cellular system may then open a voice communications channel at block 66, and communications between the phone and the cellular system switch to the designated voice channel which is implemented over the wireless communications path 32. At this point, voice communications may occur between the radiotelephone user and the activation center 27.

See col. 7, lines 29-44. Bhagat is likewise silent as to features such as “providing the activation message to a signal transfer point configured to translate at least a portion of the activation message into an address of an over-the-air activation function processor.” For at least these reasons, claim 43 is allowable over Henry and Bhagat.

Claims 44-46 depend from claim 43 and are allowable for at least the reasons stated above with respect to their parent claim, as well as for the unique combinations of features recited therein. Applicants respectfully request withdrawal of the rejections.

New Claims

New claims 47 and 48 depend from claim 21. New Claim 49 depends from claim 43.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /A. Jonathan Vance/
A. Jonathan Vance
Registration No. 56,258